

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE**

IN RE:)	
)	
ANTHEM BLUE CROSS AND BLUE)	Consumers for Affordable
SHIELD 2008 INDIVIDUAL RATE)	Health Care
FILING FOR HEALTHCHOICE AND)	
HEALTHCHOICE STANDARD)	Application to Intervene
AND BASIC PRODUCTS)	
)	
Docket No. INS-07-1000)	

Date filed: **September 12, 2007**

Name of party: **Consumers for Affordable Health Care**

Document title: **Consumers for Affordable Health Care Application to Intervene**

Document type: **Application**

Confidential: **NO**

Dated: Wednesday, September 12, 2007

Respectfully submitted,

/s/ Joseph P. Ditré
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Now comes Consumers for Affordable Health Care Coalition (“CAHC”), by and through its attorney, with its application to intervene as a matter of right, pursuant to 5 M.R.S.A. §9054(1) and Bureau of Insurance Rule 350, in the above captioned matter on behalf of its members for the following reasons:

- [1] CAHC is a Maine non-profit corporation located at 39 Green Street in Augusta, Maine. CAHC is Maine’s largest consumer health coalition whose mission is to advocate for affordable, quality health care for every man, woman and child.
- [2] CAHC’s membership includes individual members as well as 37 businesses and organizations.¹ Its collective membership represents the health care and coverage interests of over 200,000 Maine citizens, some of whom are HealthChoice enrollees who will be affected by the outcome of this proceeding. CAHC’s motion to intervene promotes an efficient proceeding in that it consolidates into one motion what could have been several organizational requests to represent their members.
- [3] CAHC’s members will or may be directly and substantially affected by the determination in the above-captioned matter in the following ways: [a] CAHC’s members include purchasers of individual health insurance, including HealthChoice enrollees, whose rates and/or coverage may be affected; and [b] CAHC’s members include uninsured and underinsured individuals in need of affordable individual coverage whose ability to secure and/or maintain such may be affected by the outcome of this proceeding.
- [4] CAHC has standing to represent interests of its members. The U.S. Supreme Court articulated a three-part test for courts to apply in deciding whether to allow an organization to bring suit on behalf of it members. *Hunt v. Washington Apple Advertising Commission*, 432 U.S. 333, at 343, 97 S. Ct. at 2441 (1977); *Risinger et al. v. Concannon*, 117 F. Supp. 2d 61 (D. ME 2000). First, the organization must demonstrate that “its members would otherwise have standing to sue in their own right.” *Id.* Second, the interests that the organization “seeks to protect” must be “germane to the organization’s purpose.” *Id.* Third,

¹ The organization and business members, include consumer organizations such as the Maine Council of Senior Citizens, labor unions and organizations including the Maine AFL-CIO, small businesses, faith-based organizations including the Maine Council of Churches and the Roman Catholic Diocese of Portland, and health care provider associations such as the National Alliance for the Mentally Ill/Maine, the Maine State Nurses Association, the Maine Chapter of the National Association of Social Workers, and many others.

“neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Id.* CAHC’s application meets all three of these requirements.

- [5] First, CAHC members meet the “direct and substantial” requirement to intervene as of right on their own behalf as ratepayers of HealthChoice. Maine courts and administrative agencies have long held that ratepayers are entitled to intervene in rate cases as of right. *Central Maine Power v. Public Utilities Commission*, 405 A.2d 153, at 163 (1979) citing *Gifford v. Central Maine Power*, 217 A.2d 200 (1966).
- [6] Second, ensuring that these member consumers, and others like them, can obtain and retain access to affordable, quality health care coverage is a key part of CAHC’s organizational mission and purpose.
- [7] Finally, there is nothing about the claims or relief that requires the participation of individual members in the proceeding. Indeed, allowing CAHC to represent its membership as a whole is more efficient than each of them representing their own individual interests independently.
- [8] CAHC has substantial experience in adjudicatory matters of this nature. CAHC was an intervenor in the 2007 individual rate filings for Anthem’s HealthChoice product² and DirigoChoice product³ and is currently participating in an appeal from the DirigoChoice filing.⁴ Additionally, CAHC was a party as of right in the determination of AMCS before the Dirigo Health Agency’s Board of Directors in the second and third assessment year, the Bureau’s review of the AMCS in years one, two, and three,⁵ and was a party in the litigation that ensued from the first Savings Offset Payment proceeding.⁶

For all of the above reasons, CAHC requests that its application to intervene as a matter of right be GRANTED.

Dated: Wednesday, September 12, 2007

Respectfully submitted,

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² BOI Docket Number INS-06-1000.

³ BOI Docket Number INS-06-1030.

⁴ Kennebec County Superior Court, Docket Number AP-07-18.

⁵ BOI Docket Numbers INS-05-700, INS-06-900, INS-07-900.

⁶ *Maine Ass’n of Health Plans v. Superintendent of Ins.*, 2007 ME 69, 923 A.2d 918.

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Certificate of Service

I, Joseph P. Ditré, Esq., certify that the foregoing **Application to Intervene in INS-07-1000** was served this day via U.S. Mail upon the following parties:

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